REMARKS

This amendment responds to the Office Action mailed April 3, 2008 . In the Office Action, the Examiner:

- provisionally rejected Claims 54 and 55 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of Application No. 11/932,802.

- objected to the specification, and in particular as failing to provide proper antecedent basis for the claimed subject matter.

- rejected claims 3, 4, 6-31, 35, and 53-55 as being indefinite under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

- rejected claims 3, 4, 10-28, 30, 35, and 53-55 under 35 U.S.C. 103(a) as being unpatentable over Stewart (U. S. Patent No. 6,389,112).

- rejected claims 6-9 under 35 U.S.C. 103(a) as being unpatentable over Stewart (U. S. Patent No. 6,389,112) in view of and Bryan (U. S. Pub. No. 2002/0188942).

- rejected claim 29 under 35 U.S.C. 103(a) as being unpatentable over Stewart (U. S. Patent No. 6,389,112) in view of and Ditmer (U. S Patent No. 6,490,620).

- rejected claim 31 under 35 U.S.C. 103(a) as being unpatentable over Stewart (U. S. Patent No. 6,389,112) in view of Arango (U. S. Patent No. 6,724,747).

Provisional Double Patenting Rejection of the Claims

Applicants respectfully submit that it is premature to address the provisional double patenting rejections at this time as the precise scope of the claims of the pending application has not been finalized.

However, in the interest of moving this application to allowance, Applicants offer to file an appropriate terminal disclaimer when the claims of the pending application are allowed.

Examiner's Objection to the Specification

The claims have been amended to substitute "connection address queries" with "connection messages." Connection messages are described on at least page 12 of the specification. In view of the claim amendments, Examiner's objection to the specification is now moot.

Claim Rejections under 35 USC 112

Claims 54 and 55 have each been amended to replace "connection address queries" with "connection messages."

Claim 14 is amended to correct for antecedent basis. Thus, in view of the claim amendments, Examiner's rejections under 35 USC 112 are now moot.

Claim Rejections under 35 USC 103

To establish *prima facie* obviousness of a claimed invention, *all the claim limitations must be taught or suggested* by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (emphasis added). Finding all the claim elements in the prior art is necessary, but *not* sufficient. *KSR Intern. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007) ("a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art"). "*All words in a claim must be considered* in judging the patentability of that claim against the prior art." MPEP § 2143.03, *citing In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) (emphasis added).

Accordingly, to establish a prima facie case of obviousness under 35 U.S.C. § 103, the Examiner must show at a minimum that *every* claim limitation is taught or suggested by the prior art. MPEP § 2143.03. Applicants respectfully submit that the references the Examiner cited, either individually or in combination, do not teach or suggest each and every limitation of the amended independent claims for at least the following reasons.

Claim 54

In response to Examiner's rejections, it is respectfully submitted that none of the cited references disclose or suggest the features of independent claim 54.

For example, Stewart fails to disclose or make obvious the monitoring of both internal and external networks. Stewart merely discloses the monitoring of a company's own network such as that of Sprint (see Col. 1, lines 30-31).

Further, none of the cited references disclose or make obvious the following features of independent claim 54:

"server transaction events, bandwidth allocation events, resource allocation events, user login events, user logout events, server startup events, server shutdown events, real-time communication events, real-time communication error events, service events, and service error events;"

In fact, in the Office Action, the Examiner failed to address the above features. In the Office Action, there was no mention of server transaction events, bandwidth allocation events, resource allocation events, user login events, user logout events, server startup events, server shutdown events, real-time communication events, real-time communication error events, service events, and service error events.

Further, neither Stewart nor any of the other cited references disclose or make obvious generating a report in response to "receiving query parameter information from a user" as required by independent claim 54. The Examiner points to Stewart Col. 10, lines 36-41, Col. 12, lines 65-67, Col. 14, lines 49-53, Col. 15, lines 24-28 as disclosing such a feature. Applicants respectfully disagree. For example, Col. 12, lines 65-67 of Stewart fails to disclose or make obvious generating a report in response to "receiving query parameter information from a user." In fact, Col. 12, lines 65-67 of Stewart teaches "buttons" in Table 1 for reviewing raw data. However, these "buttons" do not generate reports. They are merely navigation buttons by which "the operator will be transferred to the site log file which will contain raw log data for the selected day."

Thus, independent claim 54 is allowable for at least the reasons stated herein and all rejections regarding claim 54 should be withdrawn.

Claim 55

Independent claim 55 includes features that are similar to independent claim 54 and hence is allowable for the same reasons stated above. Thus, all rejections regarding claim 55 should be withdrawn.

Dependent claims

All the dependent claims either directly or indirectly depend from allowable claim 54 or allowable claim 55 and hence are allowable for at least the same reasons stated for claims 54 and 55. Further, the dependent claims include features that independently render them allowable.

10

The Examiner is invited to call the undersigned attorney at (650) 352-0523, if a telephone call could help resolve any remaining items.

Respectfully submitted,

Date: February 20, 2009

Carina M. Tan 45.769

Carina M. Tan   (Reg. No.)

Reed Smith LLP
1510 Page Mill Road
Suite 110
Palo Alto, California 94304
carinatan@reedsmith.com